

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

BERNARD ROSS HANSEN and  
DIANE RENEE ERDMANN.

### Defendants.

NO. CR18-92RAJ

**GOVERNMENT MEMORANDUM  
FOR SEPTEMBER 21, 2018 STATUS  
CONFERENCE**

## I. CASE OVERVIEW

On April 12, 2018, the grand jury returned an indictment charging defendants with 20 counts of wire fraud and mail fraud related to a scheme to defraud the customers of Northwest Territorial Mint (NWTM). Dkt. #1. Until the business went into bankruptcy in April 2016, Mr. Hansen was the President and CEO of NWTM and Ms. Erdmann was the Vault Manager. *See* Dkt. #1 at 2-3.

On April 16, 2018, both defendants made their initial appearances, the Court appointed counsel, and the Court released both defendants subject to appearance bond. The initial trial date was June 25. The parties filed a stipulated motion to continue the trial date, and the Court entered an order continuing the trial date to February 25, 2019.

1   **II. DISCOVERY**

2           Counsel for the parties participated in an in-person discovery conference less than  
3 two weeks after the initial appearance – on April 25, 2018. Shortly thereafter, the  
4 government made its first discovery production. In total, the government has made seven  
5 separate discovery productions containing thousands of files.

6           The government has produced, among other things:

- 7           - Interview reports for over 100 witnesses;  
8           - Email files from defendants and witnesses;  
9           - NWTM storage and lease contracts;  
10          - Transcripts from depositions and hearings;  
11          - Audio files of recorded sales calls;  
12          - Pictures and files from the Bankruptcy Trustee; and  
13          - Bank statements and other records prepared by third parties.

14          The government will produce supplemental numbered discovery, including  
15 additional emails from potential witnesses.

16          The government will also produce forensic copies of defendants' searched  
17 computers (the government has already produced relevant files from these computers that  
18 were obtained by search warrant) and a copy of surveillance footage. While these  
19 forensic copies may be large files, the amount of additional relevant data within these  
20 forensic copies may be small.

21          The government has retained other documents, including over 1000 boxes of  
22 NWTM Physical Records from the Nevada facility. These Physical Records were  
23 retained at the defendants' request and they are available for counsel's review. However,  
24 these documents may not be relevant to this case.

25   **III. PENDING MOTIONS**

26          There are currently two pending motions. In May, defendants filed a motion to  
27 preserve evidence stored by the Trustee. Dkt. #30. The Court held a hearing on  
28

1 June 18, 2018. At the direction of the Court, the parties conferred. The parties may be  
2 able to resolve this motion without further Court intervention.

3 On Friday, September 14, 2018, defendants filed a Motion for Order Preventing  
4 Witness(es) From Making Public Statements. Dkt. #39. The government will oppose  
5 this motion and file its response on Friday, September 21. The motion is noted for  
6 Friday, September 28, 2018.

7 **IV. ISSUES TO BE ADDRESSED AT STATUS CONFERNCE**

8 At the Friday status conference, the Court may need to address any outstanding  
9 issues regarding the motion to preserve evidence. Dkt. #30. The gag order motion (Dkt.  
10 #39) will not be fully briefed at the time of the hearing. The government will be prepared  
11 to discuss both motions if called on by the Court.

12 Based on discussions with defense counsel, in the near future, the parties may file  
13 a motion for *in camera* review to assess whether certain documents are protected by the  
14 attorney-client privilege.

15 The government has no further issues to raise at the status conference.

16  
17 Dated this 18th day of September 2018.

18 Respectfully submitted,

19  
20 ANNETTE L. HAYES  
United States Attorney

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1                   **CERTIFICATE OF SERVICE**  
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I hereby certify that on September 18, 2018, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the defendants.

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7                   *s/Dru Mercer* \_\_\_\_\_  
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